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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 555255-012129	
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		First Named Inventor David Yach	
		Art Unit 2153	Examiner Aaron N. Strange
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. 39,142</p> <p>Registration number _____</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34.</p> <p>Registration number if acting under 37 CFR 1.34 _____</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input type="checkbox"/> *Total of _____ forms are submitted.</p>			

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit: 2153

Examiner: A. Strange

Inventor: David Yach

Serial No.: 09/728,543

Filed: 12/1/2000

For: Virtual Machine Web Browser

Atty. Docket: 555255-012129

**PRE-APPEAL BRIEF
REQUEST FOR REVIEW**

CERTIFICATE OF MAILING

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Debra L. Pejeau

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Mail Stop AF
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Sir:

The Examiner finally rejected claim 44 under 35 U.S.C. § 102(e) over Schwartz et al. (US 6,473,609) and also rejected the claim under the same statutory provision over Lowery (US 6,446,111). These rejections are now appealed. The Applicant hereby requests review of the final rejections prior to filing an appeal brief for the reasons set forth herein.

REASONS FOR PRE-APPEAL BRIEF CONFERENCE REQUEST

Neither Schwartz nor Lowery disclose all of the elements of claim 44 and therefore the final rejection fails to make out a *prima facie* case of anticipation under 35 U.S.C. § 102(e).

Claim 44 reads as follows:

A method of browsing content maintained in a page-rendered language without the use of a page-rendering browser application on a mobile communication device, comprising:

- generating a request for content at the mobile communication device and transmitting the request to a gateway coupling the mobile communication device to a data network;

- forwarding the content request from the gateway to a server on the data network where the content is stored in the page-rendered language;

- returning the requested page-rendered content from the server to the gateway;

- translating the page-rendered content into a programmatic language and generating a corresponding executable program at the gateway; and

- forwarding the executable program to the mobile communication device which executes the program in order to browse the requested content.

The method of claim 44 describes a technique for browsing content maintained in a page-rendered language, such as HTML, for example, without the use of a browser that is capable of rendering the page-rendered content. The method begins by generating a request for the page-rendered content at a mobile communication device and transmitting that request to a gateway system. The gateway system then forwards the request to a server on a data network where the content is stored in the page-rendered format. The server returns the page-rendered content to the gateway, which then translates the page-rendered content into a programmatic language and generates an executable program therefrom. The executable program is then forwarded by the

gateway to the mobile device, which executes the program to browse the request content. In this manner, a mobile device without a page-rendering browser can browse content maintained on a data network in a page-rendered format.

A) Schwartz Does Not Anticipate Claim 44

Schwartz describes a client-server system in which a wireless client does not have a standard web browser but can still access a standard page-rendered web site. In Schwartz, a link server is interposed between the wireless network and the wired network and operates like a proxy for the wireless client. The wireless client transmits an URL request to the proxy link server, which retrieves the page-rendered code from a web server. This page-rendered code is then compacted into a smaller version of the page-rendered code using one or more converters. The compacted page-rendered code is then transmitted to a special interface engine on the client which is capable of rendering a display using the compacted data.

Schwartz, however, does not disclose or suggest the possibility of converting the page-rendered code into programmatic code that can be directly executed by the client device. In Schwartz, the page-rendered code is merely converted into a more compact form of smaller or less page-rendering code segments. The SDD data that is generated by the link server in the Schwartz reference is still page-rendered code, not programmatic code. As stated in Schwartz, “[t]ypically, the screen commands are expressed in a form of screen description data (SDD) **that is rendered** in an interface engine in mobile device 350.” (Col. 9, ll. 36-40; emphasis supplied) Indeed, column 9, lines 50-58 of Schwartz provide an example “ASCII-like” representation of an SDD file that clearly shows that it is formatted in a page-rendered language, not a programmatic one that is executable.

Finally, the final office action states that “Schwartz clearly discloses that the SDD data may be directly rendered by the interface engine of the client device, ‘without further processing.’” This is an admission that Schwartz does, in fact, not translate page-rendered code into programmatic code that can be executed, but in fact converts page-rendered code into other page-rendered code. This is exactly the point made above, and clearly demonstrates why the anticipation rejection over Schwartz is in error.

B) Lowery Does Not Anticipate Claim 44

Lowery describes a method of modifying a specific web server so that it generates an applet instead of traditional web page documents, such as HTML, in response to a client request for information. The applet is constructed at the web server, and may include data items from other sources that are retrieved over a network. Although Lowery’s web server may obtain this “data” from other sources, the reference does not disclose or suggest that this “data” is content maintained in a page-rendered language, nor does it disclose that the page-rendered content is returned to a gateway system in response to the request for content, nor does it disclose the translation of the page-rendered content into a programmatic language. These steps of claim 44 are simply not present in the Lowery reference, and the final office action does not point to any portion of Lowery that specifically teaches the translation of page-rendered content maintained at a server into programmatic code by a gateway system.

The final office action points to the following sections of Lowery in support of the assertion that the reference teaches a gateway that translates page-rendered content retrieved from a server into programmatic code:

The basic concept of the web page is that there exists a division of responsibility between the client’s web browser and the server’s web page. The web browser typically locates, retrieves and displays the web pages, executes hyperlinks and applets, and generally interprets web page information. The web

page comprises the raw data, hyperlinks, and HTML constructs that may be executed by the web browser. (Col. 7, lines 17-24)

The applet 26, in the disclosed embodiment, may comprise a Java, ActiveX or other suitable type of applet which can be executed by the client. (Col. 9, lines 34-36)

The method proceeds to step 52 where the server 18 collects the data items 28 that represent an appropriate response to the request from the client 12. The web server application 20 may collect the data from the plurality of data sources 22 through 24 and server 18. The method proceeds to step 53 where the web server application 20 or an external application generates the applet 26, once the appropriate data items 28 have been collected. (Col. 15, lines 24-32)

Notably missing from these portions of Lowery is any mention of the server 18 retrieving HTML or other page-rendered content from the "data sources" 22 through 24. Rather, the reference merely states that certain undefined and non-described "data" is collected, but does not specify what type of data this may be. The reference clearly does not state that the "data" retrieved from the "data sources" is page-rendered content that is subsequently translated from the page-rendered format into programmatic code. Thus, Lowery does not anticipate claim 44.

The applicants respectfully requests withdrawal of the rejections in light of the aforementioned arguments. It is believed that the application, as now presented, is in condition for allowance and that a Notice of Allowability be issued.

Respectfully submitted,

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